

Swain, J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAFAEL MARTINEZ-ALEQUIN,  
DAVID WALLIS,  
RALPH E. SMITH,

x

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 19 OCT 2010

Plaintiffs,

-against-

THE CITY OF NEW YORK; MICHAEL R.  
BLOOMBERG, Mayor of the City of New York;  
RAYMOND KELLY, Police Commissioner, New York  
City Police Department; MICHAEL COLLINS, Assistant  
Chief Public Information Division of the New York City  
Police Department,

**STIPULATION AND ORDER  
OF SETTLEMENT AND  
VOLUNTARY DISMISSAL**

08 Civ. 9701 (LTS)(RLE)

(ECF Case)

Defendants.

x

**WHEREAS**, the plaintiffs commenced this action on November 12, 2008 challenging the regulations governing the issuance of press credentials and also challenging the actions of the defendants in connection with plaintiffs' applications for press credentials; and

**WHEREAS**, new regulations governing the issuance of press credentials have been promulgated and became effective on or about August 19, 2010; and

**WHEREAS**, the parties have now resolved the outstanding claims for damages and attorneys' fees;

**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned, as attorneys of record for the respective parties, as follows:

1. The City of New York ("the City"), on behalf of the defendants, shall pay to plaintiffs One Hundred Eight-Five Thousand Five Hundred Four Dollars and Forty-Seven

Cents (\$185,504.47) ("the settlement amount") in full settlement of the plaintiffs' claims for damages and attorneys' fees, as follows:

- a. The City shall pay to plaintiff Rafael Martinez-Alequin the sum of Thirty Thousand Dollars (\$30,000) in settlement of his damages claim. Payment shall be made by forwarding to plaintiffs' attorney Norman Siegel a check in that amount made payable to Rafael Martinez-Alequin.
- b. The City shall pay to plaintiff David Wallis the sum of Eighteen Thousand Dollars (\$18,000) in settlement of his damages claim. Payment shall be made by forwarding to plaintiffs' attorney Norman Siegel a check in that amount made payable to David Wallis.
- c. The City shall pay to plaintiff Ralph E. Smith the sum of Eighteen Thousand (\$18,000) in settlement of his damages claim. Payment shall be made by forwarding to plaintiffs' attorney Norman Siegel a check in that amount made payable to Ralph E. Smith.
- d. The City shall pay to plaintiffs' attorneys the sum of One Hundred Nineteen Thousand Five Hundred Four Dollars and Forty-Seven Cents (\$119,504.47) in settlement of the plaintiffs' claim for attorneys' fees and disbursements. Payment shall be made by forwarding (i) to plaintiffs' attorney Norman Siegel a check in the amount of Thirty-Five Thousand Eight Hundred Twenty-Five Dollars made payable to Norman Siegel; (ii) to plaintiffs' attorney Goodwin Proctor LLP a check in the amount of Eighty-Two Thousand Two Hundred Twenty-Seven Dollars and Fifty Cents made payable to Goodwin Proctor LLP; and to plaintiffs' attorney

McLaughlin & Stern, LLP a check in the amount of One Thousand Four Hundred Fifty-One Dollars and Ninety-Seven Cents made payable to McLaughlin & Stern, LLP.

2. In consideration for the payment of the settlement amount and conditioned upon such payment, plaintiffs' claims are voluntarily dismissed with prejudice.

3. Plaintiffs and their attorneys hereby waive any right to apply for, and shall not apply for, any order authorizing the taxation of costs or disbursements in this action. Plaintiffs and their attorneys hereby waive any right to apply for, and shall not apply for, any order pursuant to 42 U.S.C. § 1988 authorizing the taxation of attorney's fees as costs in this action.

4. Upon payment of the settlement amount to them, plaintiffs shall be deemed to have released the City of New York, Michael R. Bloomberg, Mayor of the City of New York, Raymond Kelly, Police Commissioner of the New York City Police Department and Michael Collins, the former Assistant Chief Public Information Division of the New York City Police Department and the New York City Police Department, and all departments, officials employees, representatives and agents of the City of New York, past and present, from each and every claim and right to damages arising from the acts and omissions complained of in this action. Plaintiffs have executed, or will execute, releases to be held by the City of New York, which will take effect upon payment of the settlement amount.

5. This stipulation is not to be construed as an admission that defendants violated plaintiffs' constitutional rights or are in any way liable on plaintiffs' constitutional claims.

6. This stipulation, and the settlement it represents, is not related to and shall not be admissible in any other litigation or settlement negotiation.

7. This stipulation may be submitted to the Court to be so ordered, docketed and filed without further notice to any party.

Dated: New York, New York  
October 15, 2010

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The Clerk of Court is requested to close this case.

**IT IS SO ORDERED**  
this 18<sup>th</sup> day of October, 2010.

Ave  
U.S.D.J.

BC